

16A. DOWNTOWN SPECIAL SERVICE DISTRICT

16A.01. Purpose and Authorization. Subdivision 1. The city has received a petition (the "Petition") from downtown property owners who want to improve the economic vitality of downtown Rochester by establishing a Special Service District ("District") pursuant to Minn. Stat. §§ 428A.01-428A.101 (the "Act"). The Petition has been signed by owners of more than 60% of the net tax capacity of property that will be subject to service charges and by owners of more than 25% of the land area of property that will be subject to service charges.

Subd. 2. Under the provisions of the Act, the city council may adopt an ordinance establishing a Special Service District. Only property that is classified under Section 273.13 and used for commercial, industrial, or public utility purposes, or is vacant land zoned or designated on a land use plan for commercial or industrial use and located in the Special Service District, may be subject to the charges imposed by the city on the Special Service District. The ordinance must describe, with particularity, the area within the City to be included within the District and the Special Services to be furnished in the District. Special Services may not include a service that is ordinarily provided throughout the city from general fund revenues of the city unless an increased level of the service is provided in the Special Service District.

Subd. 3. An Operating Plan for the Rochester Downtown Special Service District ("Operating Plan") has been developed by the Rochester Downtown Alliance, a Minnesota nonprofit corporation composed of a broad range of people representing property owners, business leaders, the city and others with a direct stake in enhanced business and economic development conditions in the downtown. A copy of the Operating Plan is available for public inspection in the City Clerk's Office, 201 4th Street SE, Rochester, Minnesota. The Operating Plan sets forth the Special Services to be provided within the District, the particular area of the city to be included within the District's boundaries, the amount and manner of imposing Service Charges, and the manner in which the Special Services will be implemented. The Operating Plan is hereby incorporated into this Ordinance. A copy of the Operating Plan is available for public inspection in the City Clerk's Office, 201 4th Street SE, Rochester, Minnesota.

Subd. 4. Pursuant to the authority herein recited, and as requested in the Petition, the city council hereby establishes the Rochester Downtown Special Service District to provide the Special Services described below.

16A.02. Description of District Area. The area of the City of Rochester to be

included within the District is described as follows and as depicted on the attached Exhibit A (which is incorporated herein by reference):

Beginning at the Northwest corner of the intersection of 4th Avenue NW and Civic Center Drive NW (the "Point of Beginning"); thence Southeast along the North Line of Civic Center Drive, continuing said Line to the East bank of the Zumbro River; thence South along the East Bank of the Zumbro River and the East Bank of Bear Creek to the South Line of 4th Street SE (the District includes the trail adjacent to said East banks); thence West along the South Line of 4th Street SE to the East Line of 1st Avenue SE; thence South along the East Line of 1st Avenue SE to its terminus; thence due West to the East bank of the Zumbro River; thence South along said East bank to the West Line of Broadway Avenue South (the District includes the trails adjacent to said East bank); thence South along Broadway Avenue to the centerline of Section 2, Township 106 North, Range 14 West; thence West to the West Line of Soldiers Field Drive SW; thence Northwest to the West Line of 2nd Avenue SW; thence North along the West Line of 2nd Avenue SW to the North Line of 4th Street SW; thence East along the North Line of 4th Street to the West Line of the public alley located in Block 11 of the Original Plat; thence North along the West Line of the alley to the Southeast corner of Lot 12, Block 31, Original Plat; thence West along the South Line of Lot 12, Block 31, Original Plat to the East Line of 2nd Avenue SW, thence North along the East Line of 2nd Avenue SW to the North Line of West Center Street; thence East along the North Line of West Center Street to the West Line of 1st Avenue NW; thence North along the West Line of 1st Avenue NW to the South Line of 2nd Street NW; thence West to the West Line of 3rd Avenue NW; thence Northwest along the West Line of 3rd Avenue NW to its intersection with the West Line of 4th Avenue NW, thence North along the West Line of 4th Avenue to the Point of Beginning.

16A.03. Description of Special Services. The Special Services to be furnished in the District include, but are not limited to, marketing, promotion special events and physical enhancements.

16A.04. Term of the Special Service District. The District will begin on June 15, 2009 and end on December 31, 2015.

16A.05. Service Charges. Service charges imposed within the District will be established by a separate resolution. The resolution must meet the requirements of Minn. Stat. Section 428A.03 and may, in addition, meet the requirements of Minn. Stat. Section 428A.10.

16A.06. Notice to Commissioner of Revenue. The City Clerk must send a copy of this ordinance to the Commissioner of Revenue within 30 days after its adoption.

16A.07. Notice of Veto Power. The City Clerk is directed, within five days

after adoption of this ordinance, to mail a summary of this ordinance to the owner of each parcel included in the Special Service District and any individual or business organization subject to a service charge. The Notice must meet the requirements of Minn. Stat. Section 428A.09.

(3916, 4/20/09)